



UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education
Advanced Subsidiary Level and Advanced Level

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LAW

9084/01

Paper 1 Essay Questions

October/November 2008

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.

Write your Centre number, candidate number and name on all the work you hand in.

Write in dark blue or black pen.

Do not use staples, paper clips, highlighters, glue or correction fluid.

Answer **three** questions.

At the end of the examination, fasten all your work securely together.

The number of marks is given in brackets [] at the end of each question or part question.



This document consists of **2** printed pages.



Answer **three** questions.

- 1 'The closing of the prison gates behind a defendant should be the last resort.'

Consider critically the process of sentencing, evaluating the options available to the courts. [25]

- 2 'I should not like to leave this case without registering my strong agreement with both the majority and the minority that the law of homicide needs comprehensive and fundamental reform.' – per Lord Carswell in *HM Attorney General for Jersey v Holley*, (2005)

Discuss critically the extent to which judges can interpret statutes. What alternative solutions exist when difficulties arise? [25]

- 3 Most countries regard the assessment of legal evidence as a matter for trained professionals.

What arguments can you find for and against retaining the lay magistracy and the jury in their respective courts? [25]

- 4 Discuss the origins and nature of the human rights of the citizen under English law. Has too much attention been paid to individual rights at the expense of the interests of the wider community? [25]

- 5 Samantha has had a bad day. The Caring Credit Card Company charged her £25 for late payment of her account which she is sure that she paid on time. Whilst reading her statement, she hears a crash and looks outside to see that a digger driven by an employee of E & F Builders has accidentally demolished the extension to her home, built only a month ago at a cost of £100,000.

Convinced that legal action is her only remedy, Samantha now seeks advice. Explain to her the legal procedure she must follow for her claims and the options open to her if she does not meet with success. [25]

- 6 Explain how delegated legislation comes into existence. What are the advantages and disadvantages of this form of law-making? [25]